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## RELATION OF TREATIES AND ARMAMENT

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A CONSIDERATION of the world's progress through half a dozen centuries, produces the conviction that security of commerce has been the controlling and predominating factor of diplomacy and that a vast proportion of treaties have been nothing more nor less than trade agreements. The greatest peril of the world's peace lies not so much in the mad contest for temporary supremacy of armament, but rather in the commercial policies and treaties of the great powers, for they serve to give warning that all must arm for possible conflict or sit without the influential circle of the warlike nations. The absence of guaranteed protection to trade was at the bottom of the League of Cambray, the Hanseatic League and of the organization of all the great commercial companies authorized during a long period to use land and sea forces in their exploitation of conquered lands.

Ever since Grotius undertook to embody the treaties and customs of nations into a world-governing code, and convinced the ruling bodies of modern States of the great advantage to civilization of common rules of action, there has been a progressive tendency to adjust methods of intercourse by entering into formal written agreements, and nations having diplomatic associations with other powers have generally undertaken to fulfil their treaty obligations,

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either by actual performance of stipulation or by payment of awards for damages arising from failure to enforce compliance with specific provisions. In the earlier days of modern European civilization, questions concerning human rights of citizens or subjects of the several countries concerned, required much time and attention on the part of diplomats and consuls. Under modern conditions there is rarely any misunderstanding of treaty stipulations in this regard, and it is only in fanatical outbreaks, such as that of the Chinese Boxers, that attention is directed to the fact that a common civilization does not yet pervade the entire world.

The vast amount of accumulated wrong which accompanies the march of civilization constantly turns the minds of men toward a more general resort to arbitration. International common sense and ordinary business judgment alike dictate that arbitration should be used in all cases involving minor disagreements, but the commerce and general welfare of nations, and not sentiment, will continue to govern policies and dictate the character of preparation for maintenance of supremacy. In all civilized countries questions affecting the honor and prestige of nations involve the war powers. A declaration of war is purely a political function, residing in monarchs and parliaments, or, as in America, constitutionally committed to the discretion of Congress. The functions of military and naval men in peace are confined to preparation within the limits of appropriations, and to giving professional advice when required.

That there is a real peril to the world's peace in existing treaties and policies is the wide-spread opinion of military students. The way to reduce the frequency of wars lies not so much in peace conferences and arbitration of minor commercial disputes arising over inequalities of the tariff, as in upbuilding a sentiment which shall insist upon fair and just treaties and forbid the existence of secret compacts or complaisant understandings of ministers and rulers.

There is nothing offensive from a diplomatic standpoint in treaties involving defensive alliances, but when the signatory nations are among the recognized great world powers the effect on the others is instantaneous, for having commerce of their own to extend and protect they are goaded to preparation for the possible contingencies of war. So long as the greatest maritime nation of the world holds as

the corner-stone of its policy that its war fleets shall be ten per cent. greater than the combined fleets of any two nations, it may be expected that the mad race for supremacy of armament on land and sea will go on.

The preservation of the balance of power, so called, among European governments has led to some agreements in the past which have worked in the interest of continued peace, but it would be difficult to convince the weaker people who have been sacrificed to this fetish that the end justified the means. The inevitable waste of life and property, and the many evils arising from campaigns of magnitude, always appeal strongly to the higher sentiments of mankind and the organized efforts for their amelioration are creditable to modern civilization, yet war is not an unmixed evil. History substantiates this statement so conclusively that it seems strange that peace-at-any-price societies are ever able to maintain a working membership.

A people possessed of little to tempt the cupidity of stronger nations need have no fear, but when their commercial and industrial development once approaches rivalry, there is certain to be dug up from dusty archives some allegation of broken faith, as a justification for protection of treaty rights, and thus are defeated the altruistic motives of those who dream of the honor of nations and of the days when armies and battle fleets shall be no more. Those whose presumption exceeds their preparedness are apt to find that their rivals lay more stress upon the mailed hand than upon superiority of morals and intellect.

The Japanese have given the world a magnificent exhibition of self-sacrificing patriotism, in their years of preparation as well as in their recent trials at arms. It is not in reason to presume that Japan desired to turn herself into an armed camp with all her people soldiers and man-of-war's-men, but the sign was hung before her that the price of a continuance of the simple life would be loss of prestige and perhaps of national integrity. From a purely military point of view the control of Korea and the transportation lines up that peninsula to Manchuria are necessary to Japan, regardless of the continuance or discontinuance of Korean sovereignty. In the Japan-China War of 1894, the Chinese fleet was quickly destroyed, and Korea and southern Manchuria, including Port Arthur, fairly won. Then followed the objections of Russia, Germany, and France to Japan's

harvesting the fruits of its victories on land and sea. Under diplomatic pressure of these nations, Japan, by an Imperial rescript of 1895, renounced its right, under the treaty with China, to the southern part of Manchuria, including Port Arthur. This rescript is of historic import, and thus it runs:

"Since then the governments of their majesties the Emperors of Russia and Germany and of the Republic of France have united in a recommendation to our government not to permanently possess the peninsula of Feng-tien, our newly acquired territory, on the ground that such permanent possession would be detrimental to the lasting peace of the Orient.

"Devoted as we unalterably are and ever have been to the principles of peace, we were constrained to take up arms against China for no other reason than our desire to secure for the Orient an enduring peace.

"Now the friendly recommendation of the three Powers was equally prompted by the same desire. Consulting, therefore, the best interests of peace, and animated by a desire not to bring upon our people added hardship or to impede the progress of national destiny by creating new complications and thereby making the situation difficult and retarding the restoration of peace, we do not hesitate to accept such recommendation."

Within the following ten years one of the objecting nations had secured for itself control in Manchuria, was rapidly encroaching upon Korea, and had made of Port Arthur a presumably impregnable fortress. Thus was forged and welded that spirit of resentment in the heart of every Japanese that enabled their Emperor to count upon courageous and loyal service when the nation's patience had been exhausted. Nor is it to be wondered at that with their previous experience the Elder Statesmen of Japan hastened to effect an offensive-defensive alliance with England. This treaty has served well its purpose, for during its continuance Japan has secured many of the fruits of its series of victories, but at the cost of China and Korea rather than Russia. In every-day parlance, it is much the same as if two men with a dispute had proceeded to fight it out on a neighbor's land, then partitioned the property between them without reference to the rights of the owner.

The Anglo-Japanese treaty entered into at London, the 12th of August, 1905, contains a preamble, as to its object, comprised of three paragraphs, one of which is:

"(c) The maintenance of the territorial rights of the high contracting parties in the regions of Eastern Asia and of India, and the defense of their special interests in the said regions."

The maintenance of spheres of influence, usually territory seized from helpless nations, has become one of the cant ex-

pressions, so common through repetition, in treaties that it no longer creates surprise or comment.

While international agreements are usually entered into for the purpose of avoiding causes of friction, no general peace movement can be made so effective as one looking to the elimination of treaty articles which directly provide for allied war whenever the indeterminate sphere of influence of either contracting party is interfered with.

In the body of the treaty, under Article II, appears this agreement:

"If by reason of unprovoked attack or aggressive action, whenever arising, on the part of any other Power or Powers, either contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other contracting party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it."

It is inconceivable how Great Britain could accept the aid of Japan's army in the settlement of any trouble in India without fatal loss of prestige at home as well as abroad.

Whether blood be thicker than water when vested Oriental interests are at stake or not, there is no class or party in America that does not regard a misunderstanding and possible war with Great Britain with peculiar horror. To think that the peace and prosperity of a hundred and fifty millions of English-speaking people rest upon the question of whether or not the King and his Ministers shall execute the terms of an agreement intended for the Orient, in event of America being drawn into trouble with Japan, through alleged and possibly unjust provocation, is almost intolerable.

The general arbitration treaty agreed upon between America and Japan follows the lines laid down at the Hague Conference. All questions of a legal nature, or relating to the construction of existing treaties, are to be settled by arbitration, but those that affect the independence or honor of the contracting parties or the interests of other nations are excluded. The restriction accords with world-wide diplomatic practice.

It has been made clear by such affairs as that at San Francisco that America is not in an enviable position, so far as the power to make and execute treaties is concerned. Americans had long entertained a feeling of sincere friendship for Japan, and it was disappointing to have it made

plain that so small an affair as the seating of school-children, under local laws, could be lifted to the plane of world politics.

In his annual message to Congress, December 6, 1910, the President said:

"With our increasing international intercourse, it becomes incumbent upon me to repeat more emphatically than ever the recommendation which I made in my inaugural address, that Congress shall at once give to the courts of the United States jurisdiction to punish as a crime the violation of the rights of aliens secured by treaty with the United States, in order that the general government of the United States shall be able, when called upon by a friendly nation, to redeem its solemn promise by treaty to secure to the citizens or subjects of that nation resident in the United States freedom from violence and due process of law in respect to their life, liberty, and property."

Oriental statesmen have long since learned that without armies, harbor defense, and battleships their fate is despoliation, under one pretext or another, limited only by the jealousies and greediness of covetous and stronger nations. China for the Chinese is no mean slogan, and is almost wholly due to the seizure, in the past, of various parts of her territory by arms or enforced concessions. It brings something of shame and regret that out of the commercial selfishness of modern civilization the teeming millions of the Orient must needs inject standing armies into their simple life or suffer territorial disruption.

The public is periodically informed through the press that we are destined to trouble over the Philippines, and that when it comes, the nation will suffer humiliation. The average American takes no particular pride in having our flag float over a thousand Oriental islands. They came under our jurisdiction as an unforeseen incident of war. Those in authority were called upon, by virtue of the responsible offices then held, to determine the course of the nation. They brought as much ability and patriotism to bear upon the subject as may be reasonably expected at any period of our national existence, upon like questions. The situation was without precedent and the responsibilities of menacing gravity. It is safe to assert that if those then responsible for the course of the nation had not believed that our continued control of the Philippines would lift the Filipinos to a higher plane of material prosperity and more rapidly fit them for at least partial self-government, they would have

recommended withdrawal from the islands. It is wholly gratuitous to predicate national loss of prestige in event that any powerful nation may see fit to attempt the seizure of the Philippines. It is true that Congress moves slowly in adjusting the problems involved in the administration of insular possessions, but under the assurance and conviction that real and permanent progress is being made, Americans may be trusted to work out solutions with as much fidelity and as little selfishness as would any other nation.

Notwithstanding all the safeguards that a higher civilization may provide, there will continue to come into the life of nations, at uncertain intervals, questions which will arouse so deeply the spirit of patriotism and the resentment of a whole people that those who continue the appeal for peace will be cast out as traitors, and those who lead armies and fleets to victory will be heralded as heroes and their deeds commemorated in bronze and marble. When deep-seated patriotism is aroused, men no longer consider the commercial elements of questions at issue, but, knowing full well the dangers of camp and battle, march forth to do or die, for the honor of the nation's flag, merely a bit of silk or bunting, but a sacred emblem around which are clustered memories of ancestors who have rallied in its defense. This reverent feeling of patriotism, immeasurable in a commercial way, is confined to no age or generation, but lingers in the atmosphere of homes from the frozen fiords of the Arctic north to those opposite regions of eternal ice down under the Southern Cross and constitutes one of the foundation stones of stable government. In the face of all theory and academic argument, this has been the history of progress, and out of gigantic struggles upon land and sea, civilization has come triumphant and individual liberty has been guaranteed to a greater degree than at any former period of the world's existence.

WILLIAM H. CARTER.